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| 10/711,803 | 10/06/2004 | Gregory A. Dunko | U04-0081.093 | 5802 |
| 54494 7590 10/08/2008 MOORE AND VAN ALLEN PLLC FOR SEMC P.O. BOX 13706 430 DAVIS DRIVE, SUITE 500 RESEARCH TRIANGLE PARK, NC 27709 | | | | |
| EXAMINER SAFAIPOUR, BOBBAK | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2618 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/711,803

Applicant(s)

DUNKO ET AL.

Examiner

BOBBAK SAFAIPOUR

Art Unit

2618

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-15, and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

This Action is in response to Applicant's response filed on 07/02/2008. Claims 7-8 and 16-17 have been cancelled. **Claims 1-6, 9-15, and 18** are still pending in the present application. **This action is made FINAL.**

Response to Arguments

The Applicant has cancelled the limitations that failed to comply with the 35 U.S.C. 112, first paragraph rejection. As a result, the previous 35 U.S.C. 112 rejection has been withdrawn.

Previously, the Applicant argued that none of the cited references, taken alone or in any proper combination, disclose, suggest or teach detecting when a visiting PTT/M equipped mobile device is physically located on-site.

The Examiner respectfully disagrees. Westman discloses that on entering the conference room, or in being present in the conference room (read as mobile device is physically located on-site), the terminals receives the registration request signal on their local communication link. (paragraph 33)

Furthermore, Applicant argued that none of the cited references, taken alone or in any proper combination, disclose, suggest or teach wherein two-way PTT/M communications are allowed among the visiting PTT/M equipped mobile device and the site based PTT/M equipped devices while the visiting PTT/M equipped device is physically on-site, communications not being allowed between the visiting PTT/M equipped mobile device and other visiting PTT/M equipped mobile devices.

The Examiner respectfully disagrees. Westman discloses the conference provider, wishing to establish a temporary user group amongst attendees of the conference, has a computer

terminal 104 which is connected via communication lines 108 to a local transmitter/receiver 106 (figure 1; paragraph 28). The communication links of the mobile terminals 110 and 112 are open to receive broadcast messages from the transmitter/receiver 106 (read as visiting PTT/M equipped mobile device and the site based PTT/M equipped devices). The computer controls the transmitter/receiver 106 to broadcast a registration request. On entering the conference room, or in being present in the conference room, the terminals 110 and 112 receives the registration request signal on their local communication link (figure 1; paragraph 33).

The proposed amendments made to independent claims 1 and 10, which recite, "... the registering comprising: on a site based PTT/M equipped devices PTT/M network server, adding the visiting PTT/M equipped mobile device ID; and on a visiting PTT/M equipped mobile device PTT/M network server, adding site based PTT/M equipped device IDs" and "... the de-registering comprising: on a site based PTT/M equipped devices PTT/M network server, removing the visiting PTT/M equipped mobile device ID; and on a visiting PTT/M equipped mobile device PTT/M network server, removing site based PTT/M equipped device IDs". The Applicant argues that none of the cited references disclose the proposed amendments,

The Examiner respectfully disagrees. Westman clearly discloses that on entering the conference room, or being present in the conference room, the terminals 110 and 112 receives the registration request signal on their local communication link. The mobile terminals 110 and 112 respond to the registration request by providing identification information to the computer (read as network server) 104 via the transmitter/receiver 106 (read as adding device IDs). In this way, the computer groups or collects information as to the identity of the mobile terminals present at the conference (read as adding the visiting/site based device IDs). The mobile

terminals may return the identity to the computer 104 as the number associated to the mobile telephone, as a user identity of the mobile communication network, as the unique network identification code (IMEI number) or other information. (paragraphs 33-35) Then, the user groups may be dynamically updated by deleting mobile terminals which leave the area 102 (read as (read as removing the visiting/site based device IDs)).

Although Westman discloses a method of establishing a user group amongst a plurality of mobile terminals, Westman fails to specifically disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications.

As show below in the 35 U.S.C. 103(a) rejection, to make up for this deficiency, the Examiner has relied on Gourraud et al disclose to disclose a method for distributing PTT voice and multimedia messages to communities of subscribers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gourraud et al into the teachings of Westman so that people in the same PTT group can effectively allow the transmission of voice and multimedia information.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 9-14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Westman (US 2004/0082351 A1)** in view of **Gourraud et al (US 2004/0249949 A1)**.

Consider **claim 1**, Westman discloses a method of creating a temporary site dependent group for allowing communications among a visiting equipped mobile device and site based equipped devices while the visiting equipped mobile device is on-site wherein the equipped devices operate on one or more inter-communicable networks (read as mobile terminals are connected in a mobile network for the purposes of data transfer; abstract, paragraph 30), the

method comprising: detecting when a visiting equipped mobile device is physically located (read as on entering conference room; paragraph 33) on-site (read as receiving the registration signal; paragraphs 33-39); registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device such that normal group communications can take place (read as the computer groups a user group consisting of all users who have registered; paragraphs 33-39); the registering comprising: on a site based equipped devices network server, adding the visiting equipped mobile device ID (paragraphs 33-35); and on a visiting equipped mobile device network server, adding site based equipped device IDs (paragraphs 33-35); detecting when a visiting equipped mobile device goes off-site (read as leaves the area; paragraphs 40-41); de-registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device when the equipped mobile device goes off-site (read as deleting mobile terminals which leave the area; paragraphs 40-41); the de-registering comprising: on a site based equipped devices network server, removing the visiting equipped mobile device ID (paragraphs 40-41); and on a visiting equipped mobile device network server, removing site based equipped device IDs (paragraphs 40-41); wherein two-way communications are allowed among the visiting equipped mobile device and the site based equipped devices while the visiting equipped mobile device is physically on-site (The communication links of the mobile terminals 110 and 112 are open to receive broadcast messages from the transmitter/receiver 106; paragraph 33).

Although Westman discloses a method of establishing a user group amongst a plurality of mobile terminals, Westman fails to specifically disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications.

In related art, Gourraud et al disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications (abstract; paragraphs 12-25; A method for distributing PTT voice and multimedia messages to communities of subscribers).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gourraud et al into the teachings of Westman so that people in the same PTT group can effectively allow the transmission of voice and multimedia information.

Consider **claim 10**, Westman discloses a system for creating a temporary site dependent push-to-talk/media group for allowing communications among a visiting equipped mobile device and site based equipped devices while the visiting equipped mobile device is on-site wherein the equipped devices operate on one or more inter-communicable networks (read as mobile terminals are connected in a mobile network for the purposes of data transfer; abstract, paragraph 30) the method comprising: first discovery means for detecting when a visiting equipped mobile device is physically located (read as on entering conference room; paragraph 33) on-site (read as receiving the registration signal; paragraphs 33-39); registration means for registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device such that normal group communications can take place (read as the computer groups a user group consisting of all users who have registered; paragraphs 33-39); the registering comprising: on a site based equipped devices network server, adding the visiting equipped mobile device ID (paragraphs 33-35); and on a visiting equipped

mobile device network server, adding site based equipped device IDs (paragraphs 33-35); second discovery means for detecting when a visiting equipped mobile device goes off-site (read as leaves the area; paragraphs 40-41); de-registration means for de-registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device when the equipped mobile device goes off-site (read as deleting mobile terminals which leave the area; paragraphs 40-41); the de-registering comprising: on a site based equipped devices network server, removing the visiting equipped mobile device ID (paragraphs 40-41); and on a visiting PTT/M equipped mobile device network server, removing site based equipped device IDs (paragraphs 40-41); wherein two-way communications are allowed among the visiting equipped mobile device and the site based equipped devices while the visiting equipped mobile device is physically on-site (The communication links of the mobile terminals 110 and 112 are open to receive broadcast messages from the transmitter/receiver 106; paragraph 33).

Although Westman discloses a method of establishing a user group amongst a plurality of mobile terminals, Westman fails to specifically disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications.

In related art, Gourraud et al disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications (abstract; paragraphs 12-25; A method for distributing PTT voice and multimedia messages to communities of subscribers).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gourraud et al into the teachings of Westman so that

people in the same PTT group can effectively allow the transmission of voice and multimedia information.

Consider **claims 2 and 11**, and **as applied to claims 1 and 10 above, respectively**, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein detecting when a visiting PTT/M equipped mobile device is physically located on-site comprises sensing the visiting PTT/M equipped mobile device using Bluetooth technology. (Westman: paragraphs 28 and 33)

Consider **claims 3 and 12**, and **as applied to claims 1 and 10 above, respectively**, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein detecting when a visiting PTT/M equipped mobile device is physically located on-site comprises sensing the visiting PTT/M equipped mobile device using 802.11 WiFi technology. (Westman: paragraphs 30 and 50-51)

Consider **claims 4 and 13**, and **as applied to claims 1 and 10 above, respectively**, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein detecting when a visiting PTT/M equipped mobile device is physically located on-site comprises sensing the visiting PTT/M equipped mobile device using IrDa infra-red technology. (Westman: paragraphs 30 and 50-51)

Consider **claims 5 and 14**, and as applied to **claims 1 and 10** above, respectively, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein detecting when a visiting PTT/M equipped mobile device is physically located on-site comprises sensing the visiting PTT/M equipped mobile device using location based services. (Westman: paragraphs 33 and 41-42; Gourraud et al: paragraph 36-39, 43-44)

Consider **claims 9 and 18**, and as applied to **claims 8 and 15** above, respectively, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein the visiting PTT/M equipped mobile device will be de-registered after a specified period of time if it cannot be detected when the visiting PTT/M equipped mobile device has gone off-site. (paragraphs 40-41)

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Westman (US 2004/0082351 A1)** in view of **Gourraud et al (US 2004/0249949 A1)** and in further view of **Tranchina et al (US 2003/0080897 A1)**.

Consider **claims 6 and 15**, and as applied to **claims 5 and 14** above, respectively, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention except for wherein the location based services include the global positioning system (GPS).

In related art, Tranchina et al disclose the method and system of the claimed invention except for wherein the location based services include the global positioning system (GPS). (paragraph 24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Tranchina et al into the teachings of Westman and Gourraud et al to be able to identify when a mobile terminal enters a user group.

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipoor whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Bobbak Safaipoor/
Examiner, Art Unit 2618

September 29, 2008

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618